

Application No. 09/888,554

Amendment Dated March 5, 2010

Reply to Notice of Non-Compliant Amendment mailed February 18, 2010

**Amendments to the Drawings:**

**DISCRIPTION OF DRAWINGS**

**Sheets 1 thru 3 (Replacement Sheets):** Sheet Descriptions Attached.

**Sheets 1 thru 3** were submitted in the Provisional Patent Application dated 6/22/2000 with PTO receipt number (60/214545) and are referenced here as a continuation in this amendment Patent Application. **Sheets 1 thru 3** were also submitted in the original Non-Provisional Patent Application (09/888,554) dated 6/24/2002. No changes have been made to **Sheets 1 thru 3** since the Non-Provisional Patent Application (09/888,554) dated 6/24/2002.

**Sheet 1 (Replacement Sheet):**

**Fig. 1** shows a variation of the electronic counter product divider in use and elements of the divider electronic wireless communication system and other interactive components. The view of the point of purchase counter show the divider placement, elements show the divider in a stand by in rail or passive charging rail, elements show the divider being used on the store counter checkout conveyer, elements show the store computer data base and wireless divider computer system. Other elements show the checkout register, counter bar code scanner, hand held bar code scanner, infrared data port, and wireless data transceiver for the dividers and outside communications link.

**Sheet 2 (Replacement Sheet):**

**Fig. 2** shows a variation of an LCD touch screen variation of the wireless retail transaction divider with LCD touch menu display, solar charging cell, check out notification indicator and LCD bar code display.

**Fig. 3** shows a variation of the retail transaction divider with a touch menu display, solar charging cell, check output notification indicator and LCD bar code display.

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**Sheet 3 (Replacement Sheet):**

**Fig. 4** shows a variation of the LCD touch screen of the wireless retail transaction divider with LCD touch menu display, solar charging cell, check out notification indicator and LCD bar code display, store club card or financial transaction card swipe slot, infrared in-out and processing unit, mini bar code scanner, placement rail charging contacts.

**Fig. 5** shows a variation of a typical screen that may be displayed with the functions being displayed is touch sensitive and interactive with interactive with the customer. As driven by a wireless system and internal processor the LCD could display any letters or pictures, still or moving. Audio features are also built in as a variation,

**Sheets 4 thru 7** Contain variations of Figures and Elements that were submitted in the Provisional Patent Application dated 6/22/2000 with PTO receipt number (60/214545) and are referenced here as a continuation in this amendment Patent Application. Figures and Elements were also submitted in the original Non-Provisional Patent Application (09/888,554) dated 6/24/2002.

**Sheet 4 (New Sheet):**

Elements may vary as to the application and variation of the electronic divider for specific uses by the customer and store. Shows typical views and electronic configuration although the electronic components may vary through. **Fig. 6** is a top view of a typical checkout divider. The keypad version 2 may a supplemental solar charging cell 3 and another LCD display 5. Electronic components will consist of a battery 6 and battery holder 7. The power modulator 8 acts between the battery, external charging and solar cell. A seconded power distribution module 9 sits on the main chases 12. One component may be a programming access socket 13. Component 11 allows control for the LCD and video display.

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**Fig. 6** shows a variation of the top view of the electronic wireless electronic divider with working elements.

**Fig. 7** shows a variation of the electronic divider side view and elements incorporated for data input and data display. The elements are not limited to the type of elements used to achieve the same function.

**Fig. 8.** shows a variation of the internal side view of the electronic divider and elements that it may contain, or a variation of elements, to achieve the function for customer data collection and display data input and returned data from the wireless divider processor and wireless central divider control computer.

**Sheet 5 (New Sheet):**

**Fig. 9** shows the top view of a checkout counter 20. The front view b shows electronic the checkout placed into the holding rail 40 and being charged by conductive current. The current is reduced to 12 volts by unit 42. Contacts on the electronic checkout divider 57 charges the checkout divider battery by a conductive method. Fig. 9 shows a variation of a conductive or direct contact charging rail and how the wireless electronic divider might be placed. The way of charging and charging rail design can vary in anyway.

**Fig. 10.** shows a variation of the wireless electronic interactive divider with a large LCD interactive touch screen, bar code generating LCD, charging contact points, infra red pick up, bar code reader and card swipe slot.

**Fig. 11.** shows a variation of the front view (B) and top view of a typical store check out counter show one of the typical placement areas at the check out counter for the interactive checkout divider. This check out placement might also act as a divider power charger in some variations.

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**Sheet 6 (Replacement Sheet):**

**Fig 11.** shows a variation of a bar code and product identification generated by a LCD display located on electronic divider interactive devices and is bar code scanning able. The bar code and wireless product information can be generated by a remote LCD and wireless transmitter located on a weight scale or other hardware for bar code scanning with the built in scanning device incorporated into the electronic product divider or transmitted by a wireless transmission device.

**Fig 12.** shows a variation of the divider with the bar code port and card swipe insert.

**Fig 13.** shows a variation of a wireless product weight scale and wireless transmission unit that interacts with the customer product divider and main divider control computer for a purchase of products charged by weight.

**Fig 14.** shows a variation of a grocery cart weight matt scale for measuring the total product weight contained in a grocery or product cart. A variation of a wireless transmission unit is also shown to interact with the product divider and main divider control computer for a purchase of products with weight verification.

**Sheet 7. (Replacement Sheet):**

**Fig. 15** shows a variation of the electronic product divider LCD display. Variations of the display my or may not be customer touch interactive.

**Fig. 16** shows a variation of a touch keypad and fixed commands.

**Fig. 17** shows a variation of the electronic dividers LCD bar code and product information display showing a variation of a typical progression of sectional readout.

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### **REMARKS AND ARGUMENTS**

The Abstract and Specifications have been amended to reflect the prior art and claims of the Provisional Patent (receipt # 60/214545) cited and the **Non-Provisional Patent application (09/888,554 dated 6/24/2001)**.

**In the Detailed Action letter dated September 24, 1983**, page 2 Claim Rejection – USC 102 the note, the phrase “acting as a physical product purchase divider” was said to not carry much presentable weight. This is stated because it would be an intended use of any exterior housing including cited prior art.

The following patents are relevant to establishing the unique nature and patent weight given in granted patents as to the purchase or checkout divider as it exists and is used as unique tool, machine, machine and a unique purpose and is a device as it now exists. I am sighting three patents that where the main claim was that the checkout divider was a unique item and was granted patents for a new and improved version or what the checkout divider can contain. The USPTO has already granted considerable weight in the concept that a product purchase divider is a unique device by granting past patents for items, parts or products contained within it's exterior. The main claim of this patent application is that electronics are inserted into the checkout counter interior.

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**Claim Rejections – 35 USC & 102 – Response**

Claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Tracy et, al patent No. 5,979,757 dated Nov. 9, 1999 and Tracy et, al patent No. 5,825,002 dated Oct. 20, 1998. Tracy et, al does not describe a new improved checkout counter product divider that's primary use is by store customers. Tracy et, al does not mention that the machine could or will improve or replace the checkout counter product divider. Some methods of data processing are similar but other than proprietary programming the electronic checkout counter divider is a different machine, uses off the shelf components, is also much more compact and offering a store customer a multitude of use options. This current Amended Application in the specifications and claims, when also including the Provisional Patent filed 6/22/2000, the products are used for a dissimilar purpose and Tracy et, al does not contain verifications intended for store customers. Although they may have some similar traits, such as many patent do, Tracey et, al patent No. 5,825,002 and the Checkout Product Divider Patent No. 09/888,554 serves a different purpose under the revisions enclosed in this **Detailed Action** reply.

The Product Divider is a unique product and this patent improves the product divider as a useful customer and marketing product tool. The patent application for the electronic checkout counter product divider is for a unique machine that is new and an improvement over existing checkout counter product dividers by installing customer interactive electronics. The interactive checkout counter dividers will be located only at the check out counter replacing the existing checkout dividers with new and improved interactive electronic dividers.

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**Prior Art And Related Granted Patents**

**I am sighting three Granted Patent References for Counter Checkout Dividers and the patents were granted for what the inventor was inserting into the Counter Divider and considered the product purchase divider as a unique device:**

(11) Patent No. 4,534,126 Title: (54) Checkout Counter Divider. (22) filed March 19, 1994 (45) Date of Patent, August 13, 1985. Clear weight was given in granting this patent because it was specifically used as a product purchase divider. It describes a Check-Out Counter Divider with a primary claim being that the ends of the divider are removable, the divider will be a clear plastic and that it contains advertising material. CONTAIN CLAIM

(11) Patent No. 5,933,994 Title (54) "Retail Checkout Divider Adapted To Receive Strips With Indicia Displayed Thereon". (22) filed June 19, 1997, (45) Date of Patent, August 10, 1999. Clear weight was given in this cited patent being that the divider housing and exterior are an integral part of the patent. The patent clearly gives weight that "A Retail Checkout Divider" as precedence of prior patents. Clearly in this cited patent "A Retail Checkout Divider" was given the weight just less of the patent if inserting indicia advertising. This patent also does not mention the insertion of electronics into the divider housing.

(11) Patent No. US 7,284,347 Title (54) Checkout Divider, (22) filed March 28, 2003, (45) Date of Patent October 23, 2007. Considerable weight was given to the checkout or product divider and the ability to insert non-electronic advertising. The granted patent also gave weight to a Checkout Divider can vary in shape and size.

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**REMARKS AND ARGUMENTS CONTINUED**

The current application No. 09,888,554, meets all that criteria but is new and improved containing electronics and within the patent application, and amendments by this letter, with the insertion of interactive, video and wireless electronic technologies. These properties were envisioned in the 6/24/2001 Non-Provisional patent application 09/888,554 and the Provisional patent filed 6/22/2000. So the application should be deemed as a new improved and unique checkout counter divider that is unique and an improvement over the past patents.

In the cited examples above (**New References Cited**) of previous granted patents for a type of Checkout or Product Purchase Divider as a unique component of the granted patent. The current patent application No. 09,888,554 calls for the use of a checkout or product purchase divider with variations of electronic components installed for interaction with shopping customers. The key to this patent application is in improving the product purchase divider as a new and improved unique Product and Customer Purchase Divider device by installing electronics and making it electronically customer interactive.

The examiner cited Tracy, et al. as the primary basis for rejections of claims 1-3 under 35 U.S.C. 102 (b) as being anticipated. The interactive checkout counter purchase is a unique product and device that has a unique and particular use. The interactive electronic checkout counter divider is a central piece of original art because Tracy et al does not mention that their device could be used as an electronic interactive checkout counter divider such a device. The Tracy et al patent does not describe a checkout counter divider as part of the method or device.

The type of components used in construction and software base program standard off the shelf components. A good percentage of the claims in the Tracy et al patent have to do with methods and the counter checkout divider differs from Tracy et al. Most of these methods were cited in prior art [56] References Cited on patent No. 5,979,757 Nov.9, 1999, and Tracy et al. Patent No. 7,107,221 B1. The Tracy et al patents has a different purpose does not reside at the store checkout counter as a Checkout Divider.



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**Amendments to the Claims:**

Claims 1- 12 and the Specifications contain art, elements, specifications and ideas that were written into the original Provisional Patent Application dated 6/22/2000 with PTO receipt number (60/214545) and are referenced here and requested as a continuation in this amendment Patent Application. The same art, elements, specifications and ideas were also submitted in the original Non-Provisional Patent Application (09/888,554) dated 6/24/2002. It is requested that any original specifications and claims made in the prior applications cited above are a continuation of this Amended Non-Provisional Patent Application.

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**Provisional Patent Continuation:**

I am requesting that the this Non-Provisional Amended application be a continuation of the Provisional Patent application that was filed (6/22/2000), and Non-Provisional Application that was filed (6/24/2001) within the required 12-month time allotment in a timely manor. The Provisional Patent Application (60/214545) (Receipt Date 6/22/2000) will demonstrate that prior art was submitted and received by the USPTO and that items in the Provisional Application prior art is relevant to the current Non-Provisional Application (09/888,554) and this current amendment. Initially in the Non-Provisional Patent Application, dated 6/24/2001 number 09/888,554, it was requested to include the Provisional Patent application as a continuation of the Non-Provisional application and to also to support the claims.

**Notice of Non-Compliant Amendment mailed 6/30/2009 box 5.**

The following has been added to this amended application as referenced in the Notice of Non-Compliant Amendment mailed 10/20/09. As indicated in box 5 this amended application is signed in accordance with 37 CFR 1.4)

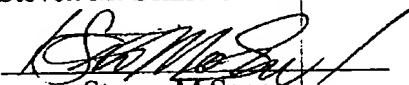
**"Errors Statement" Under 37 CFR 1.175**

Included with this amended application a Supplemental Declaration For Reissue Patent Application To Correct "Errors" Statement under (37 CFR 1.175) as errors in the claim numbering, specification, abstract and drawings were unintentional and now corrected.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

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By   
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Attachments